

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
DREW DOSCHER,

Plaintiff,

-against-

SOBEL & CO., and McMILLAN,
CONSTABLE, MAKER & PERRONE, LLP,
Defendants.

-----X

USDC SDNY

DOCUMENT

ELECTRONICALLY FILED 02/19/2015

14 **CIVIL** 646 (RMB)

JUDGMENT

Drew Doscher (“Plaintiff” or “Doscher”) having filed an Amended Complaint (“Complaint”) against Sobel & Co., LLC (“Sobel”), a New Jersey accounting and consulting firm, and McMillan, Constable, Maker & Perrone, LLP, a New York law firm (“McMillan,” and collectively, “Defendants”), alleging that Plaintiff “retained” Defendants Sobel and McMillan on or about April 3, 2012, to review certain financial information and tax reporting of Sea Port Group Securities, LLC (“Sea Port Securities”), a subsidiary of The Seaport Group LLC (“Seaport”), at which Doscher was employed as Head of the Distressed Bond Trading Department. Doscher, who was terminated by Seaport on January 11, 2013, alleging that Defendants’ failure to disclose this information violated Section 10(b) of the Securities Exchange Act of 1934 (“Exchange Act”) and Securities and Exchange Commission Rule 10b-5 (“Rule 10b-5”), breached the “contract among Doscher, Sobel [and McMillan]”; and “breached [Defendants’] fiduciary duties to Doscher.” Defendants having moved to dismiss (Doc. #28), and the matter having come before the Honorable Richard M. Berman, United States District Judge, and the Court, on February 11, 2015, having rendered its Decision & Order (Doc. #48) granting Defendants’ motion to dismiss [#28]; and dismissing with prejudice Plaintiff’s claim for securities fraud, and dismissing without prejudice⁶ Plaintiff’s state law claims;

⁶During a March 24, 2014 conference, the Court gave Plaintiff the opportunity to amend his Complaint in light of the

and directing the Clerk of Court to close this case, it is,

ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Decision & Order dated February 11, 2015, Defendants' motion to dismiss [#28] is granted. Plaintiff's claim for securities fraud is dismissed with prejudice, and Plaintiff's state law claims are dismissed without prejudice; accordingly, the case is closed.

Dated: New York, New York
February 19, 2015

RUBY J. KRAJICK

BY: Clerk of Court
K. Mango
Deputy Clerk

anticipated motion to dismiss arguments presented by Defendants and also informed Plaintiff's counsel that Defendants' motion would, if successful, be "with prejudice." (Hr'g Tr., dated March 24, 2014, at 2: 6-15.)